

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY TAYLOR,

Petitioner,

No. CIV S-05-0860 DFL GGH P

vs.

C. EVANS, Warden,

Respondent.

ORDER

Petitioner, a state prisoner proceeding through counsel, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On November 7, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed November 7, 2006, are adopted in  
3 full; and

4 2. Respondent's motion to dismiss filed on June 5, 2006, for petitioner's failure  
5 to exhaust the ineffective assistance of appellate counsel claim, construed as a motion to strike  
6 the unexhausted claim, is granted and this matter shall proceed on the remaining claims.

7 DATED: March 19, 2007

8  
9 /s/ David F. Levi  
10 UNITED STATES DISTRICT JUDGE

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